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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,948	05/15/2000	MARC BAVANT	0154-2903-2	6625

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EXAMINER

HOANG, THAI D

ART UNIT	PAPER NUMBER
2667	8

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/530,948	BAVANT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thai D Hoang	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on Application filed on 05/15/2000.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-4 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1 is/are rejected.

7) Claim(s) 2-4 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

Figures 1A and 1B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The term "too old" in claim 1 is a relative term which renders the claim indefinite. The term "too old" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 1 is rejected under 35 U.S.C. 102(a) as being unpatentable over Civanlar et al., US patent No. 5,996,021.

Regarding claim 1, Civanlar discloses a An internetwork relay system and method for transmitting IP traffic including an edge and a core. Civanlar teaches that source host 10 wishes to send a packet to destination host 20 which is outside the local IP subnet ("LIS") of the source host 10. First, the source host 10 sends the packet to router 11 across ATM switch 12 designated in FIG. 1 as path-1. Establishment of path-1 over the ATM network is accomplished by source host 10 translating the IP address of router 11 to an ATM address in order to build a virtual path to router 11. The Classical IP Over ATM model provides ARP (Address Resolution Protocol) server 13 which performs an IP to ATM address translation for all registered hosts and routers within a logical IP Subnet (LIS). In this example, source 10 sends an address resolution request to ARP server 13 for the ATM address corresponding to the IP address of router 11 in the same LIS. In turn, ARP server 13 sends an address resolution response with information associated with the ATM address corresponding to router 11. Thereafter, source 10 builds path-1 across the ATM network to the ATM address of router 11. In turn, router 11 makes a determination that the next hop for transmission of the packet is router 14 and forwards the packet to router 14, across ATM switches 12 and 15, designated as path-2, discovering router 14's ATM address using ARP server 16. Similarly, router 14 forwards the packet through ATM switches 15 and 17, designated as path-3 in FIG. 1, to router 17 using ARP server 19. Router 17 in turn makes a determination that it is the last hop router on the path to destination 20. Moreover, each router along the packet's transmission path determines the next hop router toward its destination. This requires each router to perform Layer-3 processing on the packet to

inspect the destination IP address and derive the next hop router from routing tables determined by a routing protocol and stored in each router. Furthermore, this system also includes IP to ATM address mapping steps, one in each ARP server, and four ATM switched virtual path (SVC) establishment steps along the path between the source host 10 and destination host 20; col. 1, line 50 – col. 2, line 34. Furthermore, Civanlar discloses that the forwarding table in each node is also dynamically updated based on the topology or link-state of the network. Thus, when the topology of the network changes by the addition or subtraction a node the optimal paths across the core network may change and the forwarding tables change accordingly; col. 9, lines 54-59. Therefore, the method disclosed by Civanlar comprises all of limitations as recited in claim 1.

***Allowable Subject Matter***

Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to the application:

US patent No. 6,188,689, Katsube et al disclose a Network node and method of frame transfer.

US patent No. 5,805,594, A Kotchey et al. disclose an activation sequence for a network router method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai D Hoang whose telephone number is (703) 305-3232. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (703) 305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Thai Hoang  
August 9, 2003

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600 8/14/03